

**WASHINGTON DEPARTMENT OF ECOLOGY**  
**Agricultural Burning Rule Advisory Committee Meeting**  
**June 22, 2005 10:00 – 4:00 –**  
**Washington Department of Ecology, Spokane Office**  
**SUMMARY**

**In attendance**

Cindy Thompson	American Lung Association	<u>Members Absent</u>	
Bob Gore	Department of Agriculture	Sverre Vedal	Public Health
Michael Ingham	Alfalfa Seed Growers		
Michael Bush	WSU- Extension	<u>Staff</u>	
Jay Penner	Wheat Growers	Melissa McEachron	Ecology
Dave Lauer	Clean Air Authorities (BCAA)	Tom Todd	Ecology
Jeff Schibel	Irrigated Community	Lori Isenberg	facilitator
Grant Pfeifer	Department of Ecology		
Larry Cochran	WA Conservation Districts		
Tim Conner	Save our Summers		
John Cornwall	Grass Growers		
Bill Johnston	WSU- Crop & Soil Sciences		

**Opening**

Lori Isenberg welcomed the group, gave a brief overview of the purpose of the meeting, and conducted introductions. Tim Conner is sitting in for Rachael who is out of town.

**Rule Making Language Discussion**

The group discussed each of the five assigned topics for draft rule writing. Key discussion points and changes are noted below.

**Levels of Agreement**

At the end of the meeting the group went through the Levels of Agreement exercise to determine if “consensus” has been achieved on the work of the meeting. The facilitator, Lori Isenberg, explained that consensus does not mean everyone loves the item; it means “ I can and will support this proposal.” She further explained this activity will give them the opportunity to identify the areas on which they have consensus and the ones that still need work. She explained the “levels” as noted here:

- One: Full agreement
- Two: Agreement with minor reservations
- Three: Agreement with significant reservations (reservations will be noted)
- Four: Disagree

One, Two and Three are considered consensus.

The results of the vote are noted after each section for ease of understanding when reading this meeting summary– even though the activity was conducted at the end of the meeting. Following the vote Lori commented that it is not unusual to see exactly what happened with this group: a close vote when discussing specific language, but consensus – or nearly consensus- by the end of the meeting once all the discussions have been held and the group is focused back on the big picture of what they are trying to accomplish.

### **Rule Making Language Discussion**

**#1 Assignment:** *Ecology should produce a preamble which will outline the objectives, goals and an understanding of the potential conflicts between farming and health concerns.*

- The group wanted clarification on how this material relates to the Clean Air Act. Ecology provided copies of RCW 70.94.011. The group discussed it and felt comfortable with the clarifications.
- It was suggested – and approved to add “and local air authorities”.
- Replace yet with "and".
- Melissa agreed to work on language that adds a short list of other types of air pollution sources.
- There was lengthy discussion regarding whether there should be an emphasis on protection of public health. Some felt the current and language revisions suggested by Ecology accurately describe the dual role of the act, others felt there should be an emphasis on public health. A suggestion was made to change the sentence: “*The Act intends that public health be protected, yet it allows for agricultural burning that is reasonably necessary*” to: “*The Act intends that public health is of primary importance, yet it allows for agricultural burning that is reasonably necessary.*” After much discussion, there was a proposal to vote to accept the language as it was originally presented by Ecology (not change to public health of primary importance). This was proposal was passed by a vote of 6-5.
- Later in the meeting the topic was brought up again with a different suggestion, which was “*The principle intent of the Act is to protect public health*”. The second vote turned out the same: six favored leaving it as is the other five would accept either of the suggested changes.

**Levels of Agreement Exercise:** At the end of the meeting, the Levels of Agreement Exercise showed all ten people within the definition of consensus.

One: Full Agreement	Two: Agreement with minor reservations	Three: Agreement with significant reservations	Four: Oppose
5	4	1	1

**#2 Assignment:** *Rules should indicate that Ecology should monitor and use the data to determine the daily burn decision.*

- It was suggested – and approved – to change the word “characterize” to “assess” (and all variations of those words) in Section 1 (6).
- It was suggested – and approved – to replace "on a regional basis" to "and within a region" in Section 1 (6).
- The group asked Ecology to make corrections to the original wording of Section 2(c) using a different color so they can distinguish between new wording suggested by this group and corrections that are not substantial (e.g. numbering).
- There was lengthy discussion about Section 2(c). The following substitute language was eventually proposed and unanimously accepted:  
Permits must be conditioned to minimize emissions insofar as practical,  
including denial of permission to burn during periods of adverse

meteorological conditions. When necessary as determined by Ecology or the local air authorities to ensure compliance with the Act, permit conditions will include the use of daily burn decision, permit specific decisions and/ or metering.

**Levels of Agreement Exercise:** At the end of the meeting, the Levels of Agreement Exercise showed all eleven people were in full agreement.

One: Full Agreement	Two: Agreement with minor reservations	Three: Agreement with significant reservations	Four: Oppose
11	0	0	0

#3 Assignment: “*The Rules should not limit the ability to adjust to improved technology.*”

- It was suggested – and approved – to change (8) to “Using improved and proven technology for use in ...”
- Similar to the discussion for the first topic, the group discussed the option of emphasizing public health by changing the end of the sentence to: “emissions, air pollution, and air pollution effects”. The group voted six to five to leave the sentence as is (not change the ending).

**Levels of Agreement Exercise:** At the end of the meeting, the Levels of Agreement Exercise showed ten of the eleven people within the definition of consensus.

One: Full Agreement	Two: Agreement with minor reservations	Three: Agreement with significant reservations	Four: Oppose
7	3	0	1

Tim, representing Save Our Summers, commented that their “four” opposition vote in both categories was not unmovable; they need to talk to their group about it.

#4 Assignment: “*There should be a daily burn decision process in place that can be updated and improved as needed. Federal standards should be one of the considerations*”. The group agreed Topic #4 not needed because it was covered in prior sections.

#5 Assignment: “*Ecology should consider setting a numerical standard / action level*”

Grant explained how Ecology is currently making decisions without use of a numerical standard or action level, building on the lengthy presentations on monitoring and metering at the May meeting. There was much discussion regarding whether a numerical standard is needed or practical. A number of ideas on how to do it were discussed.

The group eventually asked Ecology to prepare a write-up on the current process (without a numerical standard) that is used for making burn decisions for discussion at the September meeting. The group will also discuss the topic of whether it is useful to further research the need for a numerical standard in the rules.

### **Definitions**

The group began discussion on the definitions presented on fence lines. Jay Penner shared photos that showed the unique characteristics of different “fence lines” and explained the challenges with each. The group decided they did not have time to fully discuss this important issue, so it was moved to the next agenda.

### **Wrap-up**

Lori reviewed the decisions and action items. Melissa asked if the group would be comfortable with Ecology moving forward on some draft language over the summer. The group encouraged Ecology to do that and share their process with the group throughout the summer. The next meeting is set for September 23.